

REMARKS

Applicants have amended claims 1, 4, 6, 10, 15, 17, 19, 21 and 22 without prejudice in this Amendment and Response. Applicants have canceled claims 2, 3, and 12. Claims 1, 4-11, 13-23 are pending in this case. Applicants' amendments does not constitute the addition of new matter. Support for the changes to the amended claims may be found in the specification, drawings and claims as originally filed. Entry of the amendments is respectfully requested.

Rejection under § 102

The Examiner rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by HU 61443. Claim 1 recites a hydrogen peroxide percentage between about 1.5% to 20%. HU 61443 does not disclose this limitation. Therefore, claim 1 is allowable and Applicants request that the Examiner withdraw the rejection of this claim.

Rejections under § 103

The Examiner has rejected claims 1-23 under 35 U.S.C. § 103(a) as being unpatentable over Austin (US Patent 137743) in view of Chen (US Patent 5641530), Dalmaso et al. (US Patent 5460845) and HU 61443. Applicants disagree with the Examiner's characterization of those references. For example, none of the references disclose hydrogen peroxide percentages between 1.5% and 20%, a hydrogen peroxide percentage between 2.5% and 6%, uniform mixing of feed and hydrogen peroxide, a feed that contains distillers' grain, spraying a mist of hydrogen peroxide onto feed, the prevention of visual detection of mold and yeast growth for at least four days, including distillers' grain as a major component of feed, and a hydrogen peroxide weight percentage between 1.5% and 10%.

Additionally, the use of hydrogen peroxide as a vapor is not the same as the use of a liquid. The method of decontamination of food, not feed, described in Dalmaso includes the use of a vapor phase of hydrogen peroxide that only acts upon the surface of the food product to decontaminate and, thus, does not describe that the vapor phase acts as a preservative to prohibit future mold and yeast growth. In contrast, Applicants' invention as described in some of the claims, involves the use of a solution containing hydrogen peroxide that can preserve the feed for an extended period of time.

Finally, Applicants' claims 1, 6, 10, 15, 17, 19, and 21 all identify a percentage of hydrogen peroxide of about 1.5% to 20%. None of the references cited include hydrogen peroxide percentages in that range. Therefore, claims 1, 6, 10, 15, 17, 19, and 21 are allowable and Applicants request that the Examiner withdraw the rejection of these claims. Additionally, claims 4-5, 7-9, 11, 13-14, 16-18, 20, and 22-23, which depend from allowable independent claims, are also allowable.

Conclusion


Applicants submit that the pending claims 1, 4-11, 13-23 are in condition for allowance and withdrawal of the Examiner's rejections is requested. Verification of such allowance is respectfully requested. Applicants also note that there may be additional reasons that the pending claims are patentably distinct from the cited references and reserve the right to raise any related arguments in the future.

The Examiner is encouraged to contact the Applicants' undersigned attorney, at the below listed telephone number, to discuss this matter if any questions arise upon further examination of the pending claims.

Respectfully submitted,

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